

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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HECTOR RODRIGUEZ,

Plaintiff,

v.

Case No. 06-C-811

USF LOGISTICS,

Defendant.

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**DECISION AND ORDER**

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Plaintiff Hector Rodriguez alleges that his employer terminated him because he was Puerto Rican. He has filed a motion for appointment of counsel and for leave to proceed *in forma pauperis*. The request to proceed without payment of fees will be granted. His affidavit indicates few assets, apart from a home, and several outgoing monthly payments. The request for appointment of counsel will be denied, however. Although 28 U.S.C. § 1915(e)(1) allows courts to “request” that an attorney represent a plaintiff, there is, strictly speaking, no ability or funds to “appoint” counsel in the traditional sense. Therefore, requesting that an attorney provide services free of charge will be the exception rather than the rule, although the determination of whether counsel is necessary is governed by several factors. Here, the request will be denied because the nature of the claim—employment discrimination—is neither so complex nor meritorious that the assistance of counsel would prove necessary to secure justice. Moreover, plaintiff’s complaint is intelligible and his grasp of English is sound. *Johnson v. Doughty*, 433 F.3d 1001, 1007 (7th Cir. 2006); *Maclin v. Freake*, 650 F.2d 885, 887-89 (7th Cir. 1981).

Accordingly, plaintiff's motion to proceed without payment of fees is GRANTED, and his motion to appoint counsel is DENIED.

The United States Marshal shall serve a copy of the complaint, the summons, and this order upon defendant pursuant to Federal Rule of Civil Procedure 4. Plaintiff is advised that Congress requires the U.S. Marshals Service to charge for making or attempting to make such service. 28 U.S.C. § 1921(b). The current fee for waiver-of-service packages is \$8.00 per item. The full fee schedule is provided in 28 C.F.R. § 0.114(a)(2), (a)(3). Even though Congress requires the court to order service by the U.S. Marshals Service when an impoverished person is permitted to proceed in forma pauperis, Congress has not provided for these fees to be waived, either by the court or the U.S. Marshals Service.

SO ORDERED this 3rd day of August, 2006.

s/ William C. Griesbach  
William C. Griesbach  
United States District Judge